

District Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YU MIAO,

Plaintiff,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

No. 2:24-cv-00078-RSM

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

Noted for Consideration:
March 7, 2024

Pro Se Plaintiff brought this litigation seeking an order from this Court compelling the U.S. Citizenship and Immigration Services (“USCIS”) to schedule his interview in connection with his Form I-589, Application for Asylum and for Withholding of Removal. The parties are currently working towards a resolution to this litigation. For good cause, the parties request that the Court hold the case in abeyance until September 11, 2024.

Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ. P. 1.

1 With additional time, this case may be resolved without the need of further judicial
2 intervention. USCIS has scheduled Plaintiff's asylum interview for May 14, 2024. Plaintiff
3 agrees to submit all supplemental documents and evidence, if any, to USCIS seven to ten days
4 prior to the interview date. Plaintiff recognizes that failure to submit documents prior to the
5 interview may require the interview to be rescheduled and the adjudication delayed. If needed,
6 Plaintiff will bring an interpreter to the interview, otherwise the interview will need to be
7 rescheduled and the adjudication delayed. USCIS agrees to work diligently towards completing
8 the adjudication within 120 days after the interview, absent unforeseen or exceptional
9 circumstances that would require additional time for adjudication. If Plaintiff's asylum
10 application is not adjudicated within that time, USCIS will submit a status report to this Court.
11 Once the application is adjudicated, Plaintiff will dismiss the case with each party to bear their
12 own litigation costs and attorneys' fees. Accordingly, the parties request this abeyance to allow
13 USCIS to conduct Plaintiff's asylum interview and then process his asylum application.

14 As additional time is necessary for this to occur, the parties request that the Court hold
15 the case in abeyance until September 11, 2024. The parties will submit a joint status report on
16 or before September 11, 2024.

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1 DATED this 7th day of March, 2024.

2 Respectfully submitted,

3 TESSA M. GORMAN
4 United States Attorney

5 s/ Michelle R. Lambert
6 MICHELLE R. LAMBERT, NYS #4666657
7 Assistant United States Attorney
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10 *Attorneys for Defendants*

ORDER

The case is held in abeyance until September 11, 2024. The parties shall submit a joint status report on or before September 11, 2024. It is so **ORDERED**.

DATED this 11th day of March, 2024.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers.

I further certify that on today's date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

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I further certify that on today's date, I arranged for service of the foregoing on the following non-CM/ECF participant, via Certified Mail with return receipt, postage prepaid, addressed as follows:

Yu Miao, *Pro Se Plaintiff*
1700 Jones Avenue NE
Renton, Washington 98056
Phone: 206-778-8666
Email: miaoyu987@gmail.com

DATED this 7th day of March, 2024.

s/ Stephanie Huerta-Ramirez
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